



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 040679-1173

Recon.

#19

5/21/03  
Drewes

In re Patent Application of

Masahiro ARAI *et al.*

Serial No. 09/727,554

Group Art Unit: 3748

Filed: December 4, 2000

Examiner: Jaime W. Corrigan

For: SYSTEM AND METHOD FOR CONTROLLING INTAKE AIR BY VARIABLE  
VALVE TIMING

**REPLY AND AMENDMENT  
UNDER 37 C.F.R. § 1.111**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

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TECHNOLOGY CENTER R3700

In response to the Office Action mailed August 27, 2002, please consider the following Remarks regarding the claim rejections set forth therein.

**REMARKS**

Applicants request favorable reconsideration of this application in view of the following remarks. Claims 1-10 were pending in the application. Claims 1, 5, 9, and 10 were rejected in the Office Action. Applicants appreciate the allowance of claims 2-4 and 6-8. No claims have been amended and no new matter has been added.

**1. Rejection of Claims 1 and 5**

The Examiner rejected claims 1 and 5 under 35 U.S.C. § 112, ¶ 2 "as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." Specifically, the Examiner rejected the claims because their preambles recite a "throttle valve" whereas their body portions recite an "unthrottled" condition. Applicants respectfully traverse this rejection.

With respect to Figure 1, there is shown a throttle valve 44. The valve 44 is adjustable between a first state at which air intake may be throttled and a second state at which air intake is substantially unthrottled, *i.e.*, the "throttle valve" 44 is variable and may,